

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Malibu Media, LLC,	)	CASE NO. 1: 15 CV 162
	)	
Plaintiff(s),	)	JUDGE DONALD C. NUGENT
	)	
vs.	)	NOTICE:
	)	CASE MANAGEMENT CONFERENCE
Doe,	)	
	)	
Defendant(s).	)	

**SCHEDULING OF CASE MANAGEMENT CONFERENCE**

All counsel and/or parties will take notice that the above-entitled action has been set for a Case Management Conference (CMC) on **April 23, 2015 at 11:45 a.m.** before Judge Donald C. Nugent, Room 15A, Carl B. Stokes U.S. Court House, 801W. Superior Avenue, Cleveland, Ohio 44113.

**PRESENCE OF LEAD COUNSEL AND PARTIES**

Lead counsel and all parties must be present in person at the CMC. “Parties” in this context means either the named individuals or, in the case of a corporation or similar legal entity, the person who is most familiar with the actual facts of the case. “Party” does not mean in-house counsel or someone who merely has “settlement authority.” If the presence of a party or lead counsel will constitute an undue hardship, a written motion to excuse the presence of such person must be filed no later than seven (7) days prior to the CMC.

### **TRACK ASSIGNMENT**

This case is subject to the provisions of Differentiated Case Management (DCM ) as set forth in the Local Rules of the Northern District of Ohio. This Court will evaluate this case in accordance with LR\_16.2(a)(1) and assign it to one of the case management tracks. Each of the tracks (expedited, standard, complex, mass tort and administrative) has its own set of guidelines and time lines governing discovery practice, motion practice and trial.

### **CONSENT TO JURISDICTION OF MAGISTRATE JUDGE**

A Magistrate Judge has been assigned to assist in this case. The parties are encouraged to discuss and consider consenting to the jurisdiction of the Magistrate Judge.

### **PREPARATION FOR CMC BY COUNSEL**

Except in government collection cases and actions by unrepresented prisoners, the parties shall meet prior to the CMC to discuss the case and prepare a proposed discovery plan pursuant to Fed. R. Civ. P. 26(f). **The Court places the burden of arranging this meeting on counsel for Plaintiff(s) if originally filed with this Court or, on counsel for Defendant(s) if removed.**

The parties shall, at or within 10 days after the meeting and without awaiting a discovery request, provide the basic information to the other parties specified by Fed. R. Civ. P. 26(a)(1) (initial disclosures), Fed. R. Civ. P. 26(a)(2) (disclosure of expert testimony) and Fed. R. Civ. P. 26(a)(3) (pretrial disclosures) shall also apply in this case. **A Report of Parties' Planning Meeting under Fed. R. Civ. P. 26(f) and Local Rule 16.3(b), (Parties shall use the attached Form) shall be filed with the Court at least three (3) working days before the CMC.**

Pursuant to Fed. R. Civ. P. 26(d), a party may not seek formal discovery from any source before the parties have met and conferred.

Unless otherwise ordered by the Court, initial disclosures, discovery depositions,

interrogatories, requests for documents, requests for admission, answers and responses thereto shall not be filed with the Clerk's office, except that discovery materials may be filed as evidence in support of a motion or for use at trial.

Plaintiff(s) shall provide defendant(s) with a written demand to include a description and monetary breakdown of the damages claimed no later than one week prior to the date of the CMC. Defendant(s) shall respond with an offer no later than the date of the CMC.

It is the responsibility of counsel for the plaintiff(s) to verify that a copy of this Order has been received by counsel for the defendant(s) or, if no counsel has entered an appearance for defendant(s), has been received by defendant(s).

Please Note, effective January 1, 2006, ALL attorneys who practice before this Court are REQUIRED to file electronically pursuant to Local Civil Rule 5.1(c).

Further, any attorney desiring to practice in a case before this Court, whose name has not appeared on an initial pleading or motion, shall enter a written notice of appearance.

#### **OTHER DIRECTIVES**

**Parties shall submit a courtesy copy of all dispositive motions, oppositions and replies, along with all supporting material to chambers.**

#### **RESOLUTION PRIOR TO CMC**

In the event that this case is resolved prior to the CMC, counsel should submit a jointly signed stipulation of settlement or dismissal, or otherwise notify the Court that the same is forthcoming.

IT IS SO ORDERED.

DATE: March 3, 2015

s/ Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

ATTACHMENT 1

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

	)	CASE NO.
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
vs.	)	REPORT OF PARTIES' PLANNING
	)	MEETING UNDER FED. R. CIV.
	)	P. 26(f) AND LR 16.3(b)
	)	
Defendant.	)	

1. Pursuant to FED. R. CIV. P. 26(f) and LR 16.3(b), a meeting was held on

\_\_\_\_\_, and was attended by:

\_\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_

\_\_\_\_\_ counsel for plaintiff(s) \_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

\_\_\_\_\_ counsel for defendant(s) \_\_\_\_\_

2. The parties:

\_\_\_\_\_ have exchanged the pre-discovery disclosures required by FED. R. CIV. P.

26(a)(1) and the Court's prior order;

\_\_\_\_\_ will exchange such disclosures by \_\_\_\_\_;

\_\_\_\_\_ have not been required to make initial disclosures.

3. The parties recommend the following track:

\_\_\_ Expedited            \_\_\_ Standard            \_\_\_ Complex

\_\_\_ Administrative    \_\_\_ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution (ADR) mechanisms:

\_\_\_ Early Neutral Evaluation    \_\_\_ Mediation    \_\_\_ Arbitration

\_\_\_ Summary Jury Trial            \_\_\_ Summary Bench Trial

\_\_\_ Case not suitable for ADR

5. The parties \_\_\_do/\_\_\_do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

6. Recommended Discovery Plan:

(a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

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(b) Discovery cut-off date: \_\_\_\_\_

7. Recommended dispositive motion date: \_\_\_\_\_

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8. Recommended cut-off date for amending the pleadings and/or adding additional

parties: \_\_\_\_\_  
\_\_\_\_\_

9. Recommended date for a Status Hearing: \_\_\_\_\_

10. Other matters for the attention of the Court:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attorney for Plaintiff(s)\_\_\_\_\_

\_\_\_\_\_

Attorney for Plaintiff(s)\_\_\_\_\_

\_\_\_\_\_

Attorney for Defendant(s)\_\_\_\_\_

\_\_\_\_\_

Attorney for Defendant(s)\_\_\_\_\_

\_\_\_\_\_